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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,234	09/24/2001	William A. Royall JR.	ROY03 001	6263

7590 11/01/2006

Duane Morris LLP  
1667 K Street, N.W.  
Suite 700  
Washington, DC 20006

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/961,234

Applicant(s)

ROYALL ET AL.

Examiner

Jean M. Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed July 17, 2006, in which claims 1-5 and 7-11 are cancelled and claims 6 and 12-14 are pending for examination.

#### ***Response to Amendment***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Objections***

3. Claim 13 is objected to because of the following informalities: claim 13, step e, line 3, after "database;" please delete --and--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. Claims 6, and 12-14 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2)).

As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution. In particular, Noel-Levitz discloses the claimed "accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational institution" easily accessible by the admissions counselors and telecounselors who can update

Art Unit: 2162

individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with information from the partial application (qualifying helps focus resources on those with the greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20). Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application. However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have

Art Unit: 2162

included constructed an electronic survey; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application in the same conventional system as disclosed by Noel-Levitz, for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) and Schillewaert et al., (Schillewaert, Niels; Langerak, Fred; Duhamel, Tim, “Non-probability sampling for WWW surveys: a comparison of methods,” Journal of the Market Research Society, October 1998.).

As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution. In particular, Noel-Levitz discloses the claimed “accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational institution” easily accessible by the admissions counselors and telecounselors who can update individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with information from the partial application (qualifying helps focus resources on those with the

Art Unit: 2162

greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20). Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application. However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect's interest in the institution at various stages of the recruiting process (pages 18-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included constructed an electronic survey; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application in the same conventional system as disclosed by Noel-Levitz, for the advantage of providing a method for profiling an inquiry pool of candidates interested in

Art Unit: 2162

attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

On the other hand, Schillewaert discloses a method for surveying customers (potential applicants), which includes establishing a web based survey, and inviting the customers to take the survey through several conventional manner (page 1, recruiting respondents). The system disclosed by Schillewaert provides a use of including user password and ID information along with the survey invitation, as a common way for properly securing the survey web-based system and tracking the survey results. The e-mail survey system of Schillewaert serves as a recruitment technique for attracting respondents, in which it invites Internet user to participate. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine conventional system as disclosed by Noel-Levitz with the web-survey disclosed by Schillewaert by incorporating the use of providing a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application for the purpose of providing a method for surveying candidates who may be interested in an educational institution, with ability to increase system effectiveness and efficiency by incorporating Internet technology in the surveying process, thereby increasing the automated

Art Unit: 2162

reach of the system to customers, while decreasing transmission costs (In re Venner, 262 F.2d 91, 95, 120USPQ 193, 194 (CCPA 1958)).

As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidenced by Dugan et al., “Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

7. Claims 6, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) and Thomas US Publication No. 2002/0002482. As to claims 12, Noel-Levitz discloses a method for generating applications from candidates interested (evaluating the continued interest of candidates) in attending an educational institution. In particular, Noel-Levitz discloses the claimed “accessing a candidate database containing personal information; profiling the candidates according to criteria established by the educational

Art Unit: 2162

institution” easily accessible by the admissions counselors and telecounselors who can update individual prospect records with each contact (grading, qualifying and communicating) (page 4-5); segmenting the profiled candidates into a target group; customizing the partial application with personal information from the database (pages 18-19), making all work together, all the way through the funnel); compiling the partial applications which have been electronically completed; transmitting the partial applications to the educational institution; providing a personalized acknowledgement of each partial application received; updating the database with information from the partial application (qualifying helps focus resources on those with the greatest propensity to enroll, wherein in the qualifying process the institution rates the level of prospect interest at the prospect, inquiry, applicant and confirmed stages by identifying and targeting students who are genuinely interested, while eliminating those with little or no interest (grading and qualifying inquiries (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) pgs 4-6 and 16-20). Noel-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application. However, Noel-Levitz continually update the prospective interest profile with each contact (pages 4-5), wherein the qualifying codes help rate and track the prospect’s interest in the institution at various stages of the recruiting process (pages 18-19). Therefore, it would have

Art Unit: 2162

been obvious to one having ordinary skill in the art at the time the invention was made to have included constructed an electronic survey; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application in the same conventional system as disclosed by Noel-Levitz, for the advantage of providing a method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to targeting candidates from the pool with for enrollment, with the ability to increase system effectiveness by automating the process of collecting prospect contact or update information.

On the other hand, Thomas discloses a method for surveying customer (potential applicants), which includes providing a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group (paragraph 0048); electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application (paragraph 0065). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine conventional system as disclosed by Noel-Levitz with the web-survey disclosed by Thomas by incorporating the use of providing a web site containing links to a survey and to a partial application; assigning a unique access number

Art Unit: 2162

("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continuing interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application for the purpose of providing a method for surveying candidates who may be interested in an educational institution, with ability to increase system effectiveness and efficiency by incorporating Internet technology in the surveying process, thereby increasing the automated reach of the system to customers, while decreasing transmission costs (In re Venner, 262 F.2d 91, 95, 120USPQ 193, 194 (CCPA 1958)).

As to claims 6, 13 and 14, Noel-Levitz discloses all the limitations of claim 13. In addition, Noel-Levitz offers each candidate invited to submit a complete application an incentive to submit the full application (Noel-Levitz ([WWW.noellevitz.com](http://WWW.noellevitz.com)), Newsletter archive, Grading and qualifying prospects, "winter 1998 (part 1) and spring 1998 (part 2) pgs 8-9; by assuring that all students with financial needs and academic ability receive the same award regardless of when they apply, and making certain the student has the ability to provide accurate early financial aid award estimates 4-6 and 16-20). Providing application incentives for targeted individuals, for example, special scholarship funds or waiver of the application fee and the like is old and well known in marketing plan for recruiting potential candidates for many educational institutions, as evidence of Dugan et al., "Using GMAC data to develop an admission marketing plan, v13n2 pp. 24-31, Winter 1997).

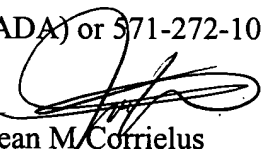
Art Unit: 2162

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M. Corrielus  
Primary Examiner  
Art Unit 2162

October 20, 2006